

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.494 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN

and

MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

INDU NISSAN OXO CHEMICALS INDSLTD.

Versus

UNION OF INDIA

Appearance:

NANAVATI ASSOCIATES for Petitioners

MS AVANI S MEHTA for Respondent No. 1

SERVED BY DS for Respondent No. 4

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/98

ORAL JUDGEMENT : (Per K.G. Balakrishnan, J.)

Rule. Service of rule is waived by Ms.Avni S. Mehta, learned Central Government Standing Counsel on behalf of respondent no.1.

2. The petitioners have filed appeal before the Commissioner of Central Excise and Customs (Appeals), Vadodara, respondent no.2 herein, against the order dated

10.6.1996, Annexure 'A'. It is submitted that the petitioners have also moved stay application in the above appeal, which is pending consideration. It is further submitted that in the meanwhile the authorities have attached the goods belonging to the petitioners.

3. The petitioners by way of the present petition challenge the impugned order at Annexure 'A' and pray for stay of further proceedings pursuant thereto.

4. Having regard to the facts and circumstances of the case, we direct respondent no.2 herein to dispose of the stay application by passing appropriate order at the earliest, within the period of one month from the date of receipt of writ of this judgement. Till such time the authorities shall not take further coercive steps to recover the dues payable under the impugned order. Rule is made absolute accordingly. No order as to cost.

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